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Duncan Parking Technologies, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IPS GROUP, INC.

Plaintiff,

v.

DUNCAN SOLUTIONS, INC. AND  
DUNCAN PARKING  
TECHNOLOGIES, INC.

Defendants.

CASE NO.: 3:15CV1526-CAB (MDD)

**DEFENDANTS' MOTION TO SEAL**

Complaint Filed: July 10, 2015

Defendants Duncan Solutions, Inc. ("DSI") and Duncan Parking Technologies, Inc. ("DPT") (collectively, "Defendants") hereby move this Court under Rule 26(C)(1) of the Federal Rules of Civil Procedure for an order sealing Exhibits 3, 6, 7 and 8, filed as exhibits to Mr. Kalb's declaration in support of Defendants' Opposition to IPS Group, Inc.'s Motion to Strike Statement of Balu Subramanya or Alternatively for Relief Under Rule 56(d).

Exhibit 3, entitled "Liberty – AT&T Device Approval," which is a DSI report seeking approval of the device from AT&T, contains sensitive technical information that is proprietary to DSI and/or AT&T, and is marked "Confidential – For Counsel Only."

Exhibit 6, entitled "Revolutionary IPS Group – Parking & Telecommunications," contains sensitive technical information that is regarded as proprietary to IPS, and is marked as "Confidential – For Counsel Only."

1 Exhibit 7, entitled “Agenda Report,” which includes an agreement between the  
2 City of Beverly Hills, California and IPS, contains sensitive business, financial and  
3 technical information and the identity of a third-party customer that are regarded as  
4 proprietary to IPS and/or the City of Beverly Hills, and is marked as “Confidential –  
5 For Counsel Only.”

6 Exhibit 8, entitled “Agreement to Purchase Parking Meter Equipment and  
7 Related Services,” which includes an agreement between the City of Reno, Nevada  
8 and IPS, and an IPS price list including separate pricing for meter mechanisms and  
9 housings, contains sensitive business, financial and technical information and the  
10 identity of a third-party customer that are regarded as proprietary to IPS and/or the  
11 City of Reno, Nevada, and is marked as “Confidential – For Counsel Only.”

12 Under California’s Uniform Trade Secrets Act, “‘Trade secret’ means  
13 information, including a formula, pattern, compilation, program, device, method,  
14 technique, or process, that: (1) Derives independent economic value, actual or  
15 potential, from not being generally known to the public or to other persons who can  
16 obtain economic value from its disclosure or use; and (2) Is the subject of efforts that  
17 are reasonable under the circumstances to maintain its secrecy.” Cal. Civ. Code §  
18 3462.1(d).

19 Sensitive business information such as information about customers may  
20 constitute a protectable trade secret. *See Cole Asia Bus. Ctr., Inc. v. Manning*, No. CV  
21 12–00956 DDP (CWx), 2013 WL 3070913, at \*2 (C.D. Cal. June 18, 2013) Sensitive

1 financial information may also constitute a trade secret. *See Mattel, Inc. v. MGA*  
2 *Entm't, Inc.*, 782 F. Supp. 2d 911, 969 (C.D. Cal. 2011). Sensitive technical or  
3 scientific information may constitute a trade secret as well. *See Loop AI Labs Inc. v.*  
4 *Gatti*, 195 F. Supp. 3d 1107, 1113 (N.D. Cal. 2016). As a result, the documents filed  
5 under seal are entitled to protection, and should not be publically disclosed.  
6 Defendants respectfully request that the Court seal Exhibits A-D to Mr. Subramanya's  
7 declaration.

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1 Respectfully submitted,

2 DATED: May 31, 2017

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**CERTIFICATE OF SERVICE**

BY CM/ECF TRANSMISSION: I am familiar with the United States District Court for the Southern District of California's practice for collecting and processing electronic filings. Upon the filing of a document with the court, the CM/ECF system generates a Notice of Electronic Filing that is delivered to the assigned judge and any registered users of the CM/ECF system that have appeared in the case. The NEF constitutes service of the document, and registration as a CM/ECF user constitutes consent to service by NEF.

I hereby certify that on May 31, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

Executed on May 31, 2017.

/s/ Joshua M. Kalb